

REMARKS / ARGUMENTS

Claims 8-14 and 26-27 remain pending in this application. Claims 1-7 and 15-25 have been canceled without prejudice or disclaimer. New claims 26-27 have been added.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and safe receipt of the priority document.

35 U.S.C. §112

The rejection of claim 1 under this section has been rendered moot by the cancellation of the claim without prejudice or disclaimer.

Interview

Applicants wish to thank the Examiner and the Examiner's supervisor for granting an interview with the undersigned and Applicants' representatives. In the interview summary, it is stated that Applicants' proposed amendment appears to overcome the rejection over Leung et al. Furthermore, Applicants were encouraged to limit claims to one embodiment. This has been done.

35 U.S.C. §§102 and 103

Claims 1-16, 20 and 21-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Leung et al (U.S. Pre-Grant Publ. No. 2003/0046270). Claims 17, 18, 19, 21 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Leung et al. These rejections are traversed as follows.

During the interview, it was explained that Leung et al do not disclose or suggest a structure as presently claimed having a system from which a file is migrated and file location information is stored in the manner recited in the claims. Leung et al disclose a data management server (DMS) that determines migration policy. As mentioned in the interview summary, the proposed amendments appear to overcome Leung et al. The current amendments to the claims include the amendments proposed during the interview. As such, it is submitted that the pending claims patentably define the present invention over the cited art.

In addition, the claims have been further amended to clarify that, according to the present invention, a plurality of policies used for deciding a file storing location are prepared by a plurality of software programs. Furthermore, in addition to location information of a migrated file, identification information of a software program which applied the policy to the file are stored in the system. None of the cited references or references submitted by Applicants disclose all of these features.

For example, the document, submitted in an IDS filed on December 28, 2005 and entitled "DiskXtender 5.4 Technical Product Overview" (2003 Legato Systems,

Inc.), discloses that a file "tag" is stored including location information. However, this document does not disclose or suggest that the identification information of a software program that decided policy is stored in the system. According to the present invention, a plurality of software programs can determine policy used for deciding file storing location. As such, it is submitted that all of the pending claims patentably define the present invention over all of the art of record.

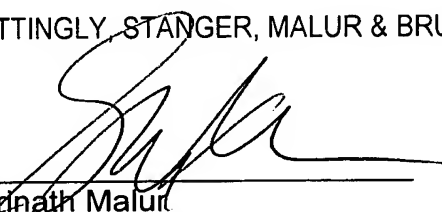
Claims directed to different embodiments have been canceled without prejudice or disclaimer to expedite prosecution. No claims have been canceled for purposes of avoiding prior art. Applicants reserve the right to file claims of similar scope in one or more continuation applications.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By 
Shrinath Malur
Reg. No. 34,663
(703) 684-1120